

REMARKS

In the Office Action mailed from the United States Patent and Trademark Office on November 28, 2006, the Examiner rejected Claims 1-12 and 18-23 under 35 U.S.C. § 112, second paragraph, as being indefinite, rejected claims 1-12 and 20-23 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,807,533 to Land et al. (hereinafter “Land”) in further view of U.S. Patent Application Publication No. 2002/0046049 to Siegel et al. (hereinafter “Siegel”), and rejected claims 18 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Land in further view of Siegel in further view of U.S. Reissued Patent No. RE 37,730 to Wind (hereinafter “Wind”). Accordingly, Applicant respectfully provides the following.

Claim Rejections under 35 U.S.C. § 112, Second Paragraph

Claim 1 has been amended to overcome the § 112 rejection and Claims 18-23 have been cancelled.

Claim Rejections under 35 U.S.C. §103(a)

In the Office Action, the Examiner rejected claims 1-12 and 20-23 under 35 U.S.C. §103(a) as being unpatentable over Land in further view of Siegel and rejected claims 18 and 19 under 35 U.S.C. § 103(a) as being unpatentable over Land in further view of Siegel in further view of Wind. The standard for a Section 103 rejection is set forth in M.P.E.P 706.02(j), which provides:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, **the prior art reference (or references when combined) must teach or suggest all the claim limitations.** The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).


(Emphasis added). Applicant(s) respectfully submit(s) that the references cited by the Examiner, either alone or in combination, do not teach or suggest all the limitations claimed in the claim set provided herein. Applicant(s) also respectfully submit(s) that there is no suggestion or motivation to combine the references in the manner suggested by the Examiner, and that one of skill in the art would not reasonably expect success in combining the references in the manner provided. The analogy suggesting that a year-end review of an employee charged with debt collection is not apt. The employee does not have any incentive to increase the number of debts forwarded to him or her. Their year-end evaluation will only be based on the number of debt accounts they receive. In contradistinction, claim 1 recites "a non-monetary incentive to forward more unpaid debt." It would therefore not be appropriate to combine land with other references as there is no teaching or incentive to combine the references describing an intra-business employee's instruction with references dealing with the relationship between companies.

CONCLUSION

If any impediments to the allowance of this application for patent remain after the above amendments and remarks are entered, the Examiner is invited to initiate a telephone conference with the undersigned attorney of record.

DATED this 28 day of February, 2007.

Respectfully submitted,



Michael J. Krieger
Registration No. 35,232

KIRTON & McCONKIE
1800 Eagle Gate Tower
60 East South Temple
Salt Lake City, UT 84111
(801) 328-3600

MFK
954016.01